



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/857,821	09/10/2001	Siegfried Bruenle		2936

156 7590 06/01/2005

KIRSCHSTEIN, OTTINGER, ISRAEL  
& SCHIFFMILLER, P.C.  
489 FIFTH AVENUE  
NEW YORK, NY 10017

EXAMINER

NGUYEN, BINH QUOC

ART UNIT PAPER NUMBER

2664

DATE MAILED: 06/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

524

<b>Office Action Summary</b>	<b>Application No.</b> 09/857,821	<b>Applicant(s)</b> BRUENLE ET AL.	
	<b>Examiner</b> Binh Q. Nguyen	<b>Art Unit</b> 2664	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 12/12/1998.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 17-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 17-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input checked="" type="checkbox"/> Notice of Informal Patent Application (PTO-152)  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Drawings*

The drawings are objected to because missing text labels in Figure 1. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### *Specification*

#### **Content of Specification**

- (a) Title of the Invention: See 37 CFR 1.72(a) and MPEP § 606. The title of the invention should be placed at the top of the first page of the specification unless

the title is provided in an application data sheet. The title of the invention should be brief but technically accurate and descriptive, preferably from two to seven words may not contain more than 500 characters.

- (b) Cross-References to Related Applications: See 37 CFR 1.78 and MPEP § 201.11.
- (c) Statement Regarding Federally Sponsored Research and Development: See MPEP § 310.
- (d) Incorporation-By-Reference Of Material Submitted On a Compact Disc: The specification is required to include an incorporation-by-reference of electronic documents that are to become part of the permanent United States Patent and Trademark Office records in the file of a patent application. See 37 CFR 1.52(e) and MPEP § 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text were permitted as electronic documents on compact discs beginning on September 8, 2000.

Or alternatively, Reference to a "Microfiche Appendix": See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.

- (e) Background of the Invention: See MPEP § 608.01(c). The specification should set forth the Background of the Invention in two parts:
  - (1) Field of the Invention: A statement of the field of art to which the invention pertains. This statement may include a paraphrasing of the applicable U.S. patent classification definitions of the subject matter of the claimed invention. This item may also be titled "Technical Field."
  - (2) Description of the Related Art including information disclosed under 37 CFR 1.97 and 37 CFR 1.98: A description of the related art known to the applicant and including, if applicable, references to specific related art and problems involved in the prior art which are solved by the applicant's invention. This item may also be titled "Background Art."
- (f) Brief Summary of the Invention: See MPEP § 608.01(d). A brief summary or general statement of the invention as set forth in 37 CFR 1.73. The summary is separate and distinct from the abstract and is directed toward the invention rather than the disclosure as a whole. The summary may point out the advantages of the invention or how it solves problems previously existent in the prior art (and preferably indicated in the Background of the Invention). In chemical cases it should point out in general terms the utility of the invention. If possible, the nature and gist of the invention or the inventive concept should be set forth.

Objects of the invention should be treated briefly and only to the extent that they contribute to an understanding of the invention.

- (g) Brief Description of the Several Views of the Drawing(s): See MPEP § 608.01(f). A reference to and brief description of the drawing(s) as set forth in 37 CFR 1.74.
- (h) Detailed Description of the Invention: See MPEP § 608.01(g). A description of the preferred embodiment(s) of the invention as required in 37 CFR 1.71. The description should be as short and specific as is necessary to describe the invention adequately and accurately. Where elements or groups of elements, compounds, and processes, which are conventional and generally widely known in the field of the invention described and their exact nature or type is not necessary for an understanding and use of the invention by a person skilled in the art, they should not be described in detail. However, where particularly complicated subject matter is involved or where the elements, compounds, or processes may not be commonly or widely known in the field, the specification should refer to another patent or readily available publication which adequately describes the subject matter.
- (i) Claim or Claims: See 37 CFR 1.75 and MPEP § 608.01(m). The claim or claims must commence on separate sheet or electronic page (37 CFR 1.52(b)(3)). Where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation. There may be plural indentations to further segregate subcombinations or related steps. See 37 CFR 1.75 and MPEP § 608.01(i)-(p).
- (j) Abstract of the Disclosure: See MPEP § 608.01(f). A brief narrative of the disclosure as a whole in a single paragraph of 150 words or less commencing on a separate sheet following the claims. In an international application which has entered the national stage (37 CFR 1.491(b)), the applicant need not submit an abstract commencing on a separate sheet if an abstract was published with the international application under PCT Article 21. The abstract that appears on the cover page of the pamphlet published by the International Bureau (IB) of the World Intellectual Property Organization (WIPO) is the abstract that will be used by the USPTO. See MPEP § 1893.03(e).
- (k) Sequence Listing. See 37 CFR 1.821-1.825 and MPEP §§ 2421-2431. The requirement for a sequence listing applies to all sequences disclosed in a given application, whether the sequences are claimed or not. See MPEP § 2421.02.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1, and 32** are rejected under 35 U.S.C. 102 (b) as being anticipated by ***Sereno et al*** (US Patent No. 5,490,136), hereinafter referred to as ***Sereno***.

**Regarding to Claim 1 and 32:** ***Sereno*** discloses a method and a telecommunications system, comprising:

- a) a base station(*see Fig.1, and col.3, lines 47-53*);
- b) at least one base station-router (*see Fig.1, and col.3, lines 47-53, Radio Network Control Center RNC means base station-router*) allocated to the base station;
- c) several subscriber stations (*see Fig.1, and col.3, lines 47-53 Mobile stations M1...Mh means subscriber stations*) with respective subscriber station-routers (*see Fig.1, and col.4, line 17-27, The combining of UC1, CV1, and CS1 means subscriber station-router*) connected via a connection network at variable transmission rates with the base station, for creating a telecommunication link (*see Fig.1, and col.4, lines 45-48, logical connection 16 means a connection network, and col. 4 line 35-37*) with said at least one base station-router; and

Art Unit: 2664

d) said at least one base station-router being operative for controlling the variable transmission rate (*see Fig.1, and col.5, lines 48-55*) allocated to each telecommunication link between the base station and each subscriber station.

**Regarding claims 18:** *Sereno* further disclosed the telecommunication system according to claim 17, wherein said at least one base station-router dials a respective subscriber station-router to create a connection between the base station and the respective subscriber station (*see Fig.1, and col. 4 line 27-48*).

**Regarding claims 21:** *Sereno* further disclosed the telecommunication system according to claim 18, wherein the base station has a separate interface for speech communication (*see Fig.1, and col.5, line 64-67, Speech coder (CV2) have input (18) and output (1') that means interface for speech communication*).

**Regarding claims 26:** *Sereno* further disclosed the telecommunication system according to claim 17, wherein data is transmitted between the base station and each subscriber station by means of radio transmission signals, and wherein the radio transmission signals are concentrated in air from a point-to-multipoint system (*see Fig.1, and col.5, line 33-40, Transmitter T2 is concentrated in air from a point -to-multipoint*).

**Regarding claims 31:** *Sereno* further disclosed the telecommunication system according to claim 17, wherein interface for speech communication are present at the subscriber stations (*see Fig.1, and col.3, line55-57, Speech coder (CV1) have input (from MF) and output (1) that means interface for speech communication*).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 19-20, and 22-23** are rejected under 35 U.S.C. 103(a) as being unpatentable over ***Sereno*** (US Patent No. 5,490,136) in view of ***Tiihonen et al*** (US Patent No. 6,370,243), hereinafter referred to as ***Tiihonen***.

**Regarding to Claim 19:** ***Sereno*** teaches the telecommunication system according to claim 18. ***Sereno fails to teach*** base station-router is operative for dialing via an ISDN primary multiplex connection.

**However, *Tiihonen* teaches** dialing via an ISDN primary multiplex connection (*see col.5, lines 16-19*).



Art Unit: 2664

**It would have been obvious** to a person of ordinary skill in the art to modify *Sereno* with *Tiihonen* to enable the use of an ISDN link for a dial up connection.

**The motivation** for this is more bandwidth conservation, and high data rates.

**Regarding to Claim 20, and 22:** *Sereno* teaches the telecommunication system according to claim 17, and 21.

*Sereno fails to teach* wherein the base station is connected with said at least one base station-router via an interface with V5.2 protocol (claim 20), the separate interface works with V5-protocol (claim 22).

**However, *Tiihonen* teaches** the V5.2 interface between an access node and a telephone exchange is a concentrator interfaces (*for claim 20 see Fig.1, and col.1, lines 16-31*), V5-protocol (*for claim 22 see Fig.1, and col.1, lines 20-22*).

**It would have been obvious** to a person of ordinary skill in the art to modify *Sereno* with *Tiihonen* to enable the particular transmission capacity to be allocated to the individual connection.

**The motivation** for this is to provide higher information transfer rate.

**Regarding to Claim 23:** *Sereno* discloses the telecommunication system according to claim 17.

*Sereno fails to explicitly disclose* wherein the variable transmission rate between the base station and each subscriber station varies in steps of 64 kbit/s.

Art Unit: 2664

**However, Tiihonen explicitly discloses** the variable transmission rate between the base station and each subscriber station varies in steps of 64 kbit/s (*Tiihonen disclosed as claim 19, inherently ISDN-PRA is 64 kbit/s and can set up of step of 64 kbit/, also see Col.1, lines54-63*).

**It would have been obvious** to a person of ordinary skill in the art to combine *Sereno* with *Tiihonen*, so that the subscriber station routers connect via a connection network at variable rate with the base station.

**The motivation** for this is to improve its support for data connections using normal telephone network operation control commands without any complex changes in system or software.

5. **Claims 24-25, and 27-30** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Sereno* (US Patent No. 5,490,136) in view of *Ginzboorg et al* (US Patent No. 6,240,091), hereinafter referred to as *Ginzboorg*.

**Regarding to Claim 24-25, and 27-30:** *Sereno* teaches the telecommunication system according to claim 17.

***Sereno fails to teach*** wherein said at least one base station-router has several 2 Mbit/s interfaces and/or an Ethernet interface to an external communication network (claim 24, and 30), and data is transmitted between the base station and each subscriber station; by means of the G.704 general structure of the International Telecommunication Union (claim 25), via a light-wave conductor (claim 27), via an HDSL-connection (claim 28), via a synchronous digital hierarchy connection (claim29).

**However, *Ginzboorg* teaches** 2 Mbit/s interfaces and/or an Ethernet interface (*claim 24, and 30 see col.1, lines53-67 for 2 Mbit/s interface, or see col.3, lines 10-23 for Ethernet interface*), the

Art Unit: 2664

G.704 (*claim 25 see col. 2, and line 1-3*), via a light-wave conductor, via a synchronous digital hierarchy connection (*claim 27, and 29 see col. 2, and line 1-3, synchronous digital hierarchy connection (SDH) is light-wave conductor*), via an HDSL-connection (*claim 28 see col. 1, and line 15-67*).

**It would have been obvious** to a person of ordinary skill in the art to modify *Sereno* with *Ginzboorg* to enable the use of a maximum capacity data connection.

**The motivation** for this is to provide higher information transfer rate for the telecommunication between base station and subscriber stations.

### ***Contact Information***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh Q. Nguyen whose telephone number is 571-272-8563. The examiner can normally be reached on M-F: 9:00 AM - 5:30 PM.

6. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on 571-272-3134. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2664

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Respectfully submitted,

By:   
Binh Q. Nguyen  
Patent Examiner  
05/24/2005

  
KENNETH VANDERPUYE  
PRIMARY EXAMINER